

## UTILITIES DIVISION[199]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 17A.4, 476.1, and 476.2, the Utilities Board (Board) gives notice that on March 12, 2009, the Board issued an order in Docket No. RMU-2009-0002, In re: Notification Requirements for Certificated Local Exchange Companies [199 IAC 22.2(9)], "Order Commencing Rule Making," that proposes a new subrule that establishes notification requirements specifically for certificated local exchange carriers when loss of service to customers meets certain criteria. The Board is proposing the new subrule based upon its experience since the adoption of the existing notification requirements in March 2008. In those requirements, the Board adopted notification standards for all communications companies, including wireless communications companies, that mirrored the notification requirements of the Federal Communications Commission (FCC). Over the past year, in most cases the Board has not received immediate notification of events during which there has been a significant loss of communications service to customers. Notification of these events has often come hours or even days after the service disruption began, and in some cases service had already been restored. The primary reasons for the lack of timely notice is that reporting did not occur until the outage had met the FCC threshold for number of lost call minutes or notification was not made at the same time that it was sent to the FCC.

In the proposed new subrule, the Board establishes standards for notification that should provide more timely notice of outages. Timely notice of significant outages is needed to meet the Board's responsibility to keep local and state emergency management agencies and the Governor's office informed of these events. The order commencing rule making can be found using the Board's electronic filing system (EFS) Web site at <http://efs.iowa.gov>.

Pursuant to Iowa Code section 17A.4(1)"a" and "b," any interested person may file a written statement of position pertaining to the proposed amendment. The statement must be filed on or before April 28, 2009. The statement should be filed electronically through the EFS. Instructions for making an electronic filing can be found on the EFS Web site at <http://efs.iowa.gov>. Any person who does not have access to the Internet may file comments on paper pursuant to 199 IAC 14.4(5). An original and ten copies of paper comments shall be filed. Both electronic and written filings shall comply with the format requirements in 199 IAC 2.2(2), clearly state the author's name and address, and make specific reference to this docket. All paper communications should be directed to the Executive Secretary, Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069.

An oral presentation to receive oral comments on the proposed amendment will be held at 10 a.m. on May 11, 2009, in the Board's hearing room at the address listed above. Persons with disabilities who require assistive services or devices to observe or participate should contact the Utilities Board at (515)281-5256 at least five days in advance of the scheduled date to request that appropriate arrangements be made.

This amendment is intended to implement Iowa Code sections 17A.4, 476.1, and 476.2.

The following amendment is proposed.

Adopt the following **new** subrule 22.2(9):

**22.2(9) Emergency outage reporting requirements for certificated local exchange carriers.** Certificated local exchange carriers shall notify the board as soon as practical and within at least two hours after the carrier learns of an outage that meets the criteria in this subrule by calling the board duty officer at 515-745-2332 or by sending an electronic message to the duty officer at

IUBDutyOfficer@iub.state.ia.us. Notification shall be made when there is a loss of service that is projected to result in or results in the following:

- a.* Loss of service of 20 percent or more of a certificated local exchange carrier's access lines in a local exchange or 250 customers, whichever is greater, for more than two hours.
- b.* Loss of service to all of a certificated local exchange carrier's customers in an exchange.
- c.* Loss of service for more than two hours due to failure of communications equipment that prevents customers in an exchange from making outbound calls.
- d.* Any complete loss of access to 911 services in a community or exchange.
- e.* Any other loss of service, or anticipated loss of service, for more than two hours considered significant by the certificated local exchange carrier, including loss of service caused by a natural or man-made event.